

By Senator Argenziano

3-1732-04

See HB 697

1 A bill to be entitled
2 An act relating to public roads; amending s.
3 335.0415, F.S.; providing specified exceptions
4 to the public road jurisdiction and transfer
5 process; creating s. 335.04155, F.S.; providing
6 for county road relief under described
7 conditions; authorizing a county to assign to
8 the Department of Transportation responsibility
9 for operation and maintenance of county roads
10 within the boundaries of the county; providing
11 for transfer of funds to the department;
12 authorizing the department to acquire and
13 administer funds; authorizing the department to
14 perform such operation and maintenance;
15 providing for a county to transfer roads or
16 portions of roads to the State Highway System;
17 providing for a county to enter into an
18 agreement with the department for the
19 establishment, operation, and maintenance of
20 any part of its transportation system and
21 related facilities and the acquisition,
22 construction, reconstruction, and maintenance
23 of any roads and streets on the county road
24 system; providing for the department to perform
25 and administer the engineering services and
26 construction of designated transportation
27 projects for a county; amending s. 335.06,
28 F.S.; requiring the department to maintain
29 access roads to the state park system;
30 providing an effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Subsections (2), (3), and (5) of section
4 335.0415, Florida Statutes, are amended to read:

5 335.0415 Public road jurisdiction and transfer
6 process.--

7 (2) Notwithstanding any provision of law to the
8 contrary, any change of the jurisdiction of a public road
9 subsequent to July 1, 1995, shall be governed by the
10 provisions set out in this section and s. 335.04155 herein.

11 (3) Except as provided in s. 335.04155, public roads
12 may be transferred between jurisdictions only by mutual
13 agreement of the affected governmental entities.

14 (5) In order to take effect, all transfers of public
15 roads to or from the State Highway System must be by mutual
16 agreement of the affected governmental entities and approved
17 by the secretary of the Department of Transportation, except
18 as provided in s. 335.04155.

19 Section 2. Section 335.04155, Florida Statutes, is
20 created to read:

21 335.04155 County road relief.--

22 (1)(a) Any county imposing the ninth-cent fuel tax and
23 local option fuel tax at the maximum rates allowed by law may
24 by a majority vote of the commissioners assign responsibility
25 for operation and maintenance of all county roads within the
26 boundaries of the county to the department pursuant to the
27 provisions of this subsection.

28 1.a. The county shall transfer, assign, or pay to the
29 department all unencumbered revenues received or to be
30 received by that county from the constitutional fuel tax which
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1 would otherwise be used by the county for operating or
2 maintaining roads.

3 b. The county shall transfer, assign, or pay to the
4 department all unencumbered revenues received or to be
5 received by that county from the ninth-cent fuel tax and local
6 option fuel tax which would otherwise be used by the county
7 for operating or maintaining roads.

8 c. The county shall transfer or assign to the
9 department all unencumbered funds received or to be received
10 by the county from any grant, donation, or aid for the purpose
11 of operating or maintaining roads.

12 2. The department is authorized to request and receive
13 any grant, aid, gift, or donation; acquire, receive, hold,
14 invest, and administer securities, funds, objects of value, or
15 other property, real or personal; and make expenditures on
16 behalf of the county to or for the direct or indirect costs of
17 maintaining and operating its roads.

18 (b) The department is authorized to perform the
19 operation and maintenance of all roads on the county road
20 system within the boundaries of the county upon passage of the
21 resolution under paragraph (a).

22 (2) Notwithstanding s. 335.0415, any county with
23 insufficient funds to operate and maintain the county roads
24 within its boundaries that is imposing the ninth-cent fuel tax
25 and local option fuel tax at the maximum rates allowed by law
26 may transfer roads or portions of roads to the State Highway
27 System pursuant to the provisions of this subsection.

28 (a) Each year and until the county has sufficient
29 funds for the operation and maintenance of its roads, the
30 commissioners may by majority vote transfer up to 5 percent of
31 the county roads to the State Highway System.

1 (b) Notice of the transfer must be provided to the
2 department prior to September 1.

3 (c) The transfer shall take effect at the beginning of
4 the state fiscal year immediately following notice to the
5 department.

6 (d) The department shall have jurisdiction of any
7 roads transferred to the State Highway System under this
8 subsection and responsibility for operation and maintenance of
9 such roads.

10 (e) Any funds allocated by the county, and any funds
11 allocated pursuant to s. 206.625 by the governing body of the
12 school district, for road projects on a road that is
13 transferred pursuant to this subsection may be reallocated by
14 the county or governing body of the school district to other
15 projects as allowed by law.

16 (3) Subject to the availability of funds provided by
17 specific appropriation by the Legislature, any county with
18 insufficient funds to operate and maintain the county roads
19 within its boundaries that is imposing the ninth-cent fuel tax
20 and local option fuel tax at the maximum rates allowed by law
21 may enter into an agreement with the department for the
22 establishment, operation, and maintenance of any part of its
23 transportation system and related facilities and the
24 acquisition, construction, reconstruction, and maintenance of
25 any roads and streets on the county road system within the
26 boundaries of the county.

27 (a) The agreement shall:

28 1. Be of such duration and scope as agreed to by the
29 commissioners and the Secretary of Transportation but shall
30 not exceed total available funds.

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1 2. Specify funds to be provided by the county and
2 funds to be provided by the department which shall constitute
3 the total available funds for the project.

4 3. Specify any reimbursement to the department, as
5 agreed to by the commissioners, and that such reimbursement
6 shall not be considered available funds for the project.

7 (b) The department shall perform the establishment,
8 operation, and maintenance of the transportation facilities in
9 the county pursuant to and within the scope of the agreement
10 entered into under this subsection.

11 (c) In the event the county desires to enter into such
12 an agreement with the department, it must so indicate at the
13 time the county presents its annual budget.

14 (d) Priority for contracts under this subsection shall
15 be as provided in the specific appropriation and based on
16 financial need of the county and the condition of its roads.

17 (4)(a) Any county with insufficient funds to operate
18 and maintain the county roads within its boundaries that is
19 imposing the ninth-cent fuel tax and local option fuel tax at
20 the maximum rates allowed by law may designate by resolution
21 the projects to be undertaken, and the department may perform
22 and administer the engineering services and construction.

23 (b) In the event the county desires the department
24 either to perform or administer the engineering services or to
25 administer the construction, or both, it must so indicate at
26 the time the county presents its annual budget.

27 (5) Nothing in this section shall be construed to
28 permit the expenditure of public funds in such manner or for
29 such projects as would violate the State Constitution, state
30 law, or the trust indenture of any bond issue or which would
31 cause the state to lose any federal aid funds for highway or

1 transportation purposes, and the provisions of this section
2 shall be applied in a manner to avoid such result.

3 Section 3. Section 335.06, Florida Statutes, is
4 amended to read:

5 335.06 Access roads to the state park system.--Any
6 road which provides access to property within the state park
7 system shall be maintained by the department ~~if the road is a~~
8 ~~part of the State Highway System or shall be maintained by the~~
9 ~~appropriate county or municipality if the road is a part of~~
10 ~~the county road system or the city street system.~~

11 Section 4. This act shall take effect July 1, 2004.
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